

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PAUL PIZZUTO,	)	
Plaintiff,	)	
	)	
v.	)	DOCKET NO. 04-12492 GAO
	)	
AIRBORNE EXPRESS, INC., STEVEN	)	
CROSSKEN, JOSEPH HAMILTON,	)	
GREG SWEATT AND ARTHUR	)	
LEVERIS,	)	
Defendants.	)	

**JOINT STATEMENT**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(D), the parties have conferred and submit the following amended Joint Statement in connection with the Scheduling Conference scheduled for July 19, 2005.

**I. Conference Agenda**

1. Proposed Pre-Trial Schedule and Discovery Plan.
2. Possibility of Consent to Trial by Magistrate Judge.
3. Possibility of resolving this action through alternative dispute resolution.

**II. Proposed Joint Discovery Plan**

1. **Initial Disclosures.** Initial disclosures to be served by August 5, 2005.
2. **Amendment to Pleadings.** Motions to amend the pleadings to be made by August 30, 2005.
3. **Written Discovery Requests.** Written discovery requests shall be served by September 1, 2005, and responded to within the time limit set forth in the Federal Rules of Civil Procedure or as extended by agreement of the parties or order of the Court.

4. **Depositions of Fact Witnesses.** Depositions of fact witnesses will be completed by December 15, 2005.

5. **Requests for Admissions.** Requests for Admissions, if any, shall be served within the fact discovery period within such time that responses will be due no later than December 15, 2005.

6. **Status Conference.** A Status Conference, if approved by the Court, shall occur in January 2006.

7. **Expert Discovery.** The parties shall designate trial experts and disclose information required by FRCP, Rule 26(a)(2) by January 30, 2006. Expert depositions shall be completed by February 28, 2006.

### **III. Proposed Motion Schedule**

Rule 12 Motions to Dismiss and/or Rule 56 Motions for Summary Judgment shall be filed by March 15, 2006. Responses to such dispositive motions shall be served within 30 days of service.

### **IV. Settlement and/or Case Management Conferences**

A Settlement Conference and/or Case Management Conference shall take place at the discretion of the Court. The parties recommend that the Court hold a final pre-trial conference at a time convenient for the Court and set a firm trial date. Trial date to be on or after June 1, 2006.

### **V. Rule 16.1 Certification**

The parties' Certifications pursuant to L.R. 16.1 are being filed separately.

**VI. Trial by Magistrate**

At this time, the parties do not agree to trial by magistrate.

PAUL PIZZUTO,

AIRBORNE EXPRESS, INC.,  
STEVEN CROSSKEN, JOSEPH  
HAMILTON, GREG SWEATT,  
AND ARTHUR LEVERIS,

By his attorneys,

By their attorneys,

/s/ Richard A. Mulhearn  
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Dated: July 13, 2005.